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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------------|
| 10/816,285 | 04/01/2004 | Johnny Ostenfeldt | 01010.0303-US-WO | 9518 |
| 22865 7590 07/20/2007 ALTERA LAW GROUP, LLC 6500 CITY WEST PARKWAY SUITE 100 MINNEAPOLIS, MN 55344-7704 | | | EXAMINER SMITH, MATTHEW J | |
| | | | ART UNIT 3637 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/816,285 | Applicant(s) OSTENFELDT, JOHNNY | |
| | Examiner Matthew J. Smith | Art Unit 3637 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1Apr04</u> . | 6) <input type="checkbox"/> Other: ____ |

Specification

The disclosure is objected to because of the following informalities: paragraphs [0004] and [0005] are improper.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Gulbrandsen et al. (6834467).

Gulbrandsen et al. disclose a ceiling structure comprising: sheets 49 spanning between parallel beams 52 mounted underneath a fixed ceiling; the sheets elastically deformed from an initial configuration to a desired curved configuration (Fig. 4) in which the sheets are intended to form the visible ceiling face; the sheets 49 having a first expanse along the beams and a transverse second expanse; the sheets along the first expanse have edge portions configured for abutting on abutment areas 60, 62, 64 on the beams; force-transmitting means 76 for cooperating with portions of the sheets, which portions are arranged between the edge portions in order to provide, in combination with the abutment force of the sheets against the abutment areas, the flexular moment for maintaining the desired curved configuration of the sheets.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gulbrandsen et al. in view of Alexieff et al. (3780286).

Gulbrandsen et al. disclose the invention substantially as claimed including force transmitting means 76 between beams; the force transmitting means part of the beam; the sheet initially planar (inherent); the sheet forms an upwardly arching face, the abutment faces influence the sheet downwardly, and the force transmitting means influence the sheet upwardly; a further system of parallel beams 48; the beam distance approximates the sheet expanse; and the edges cooperate with the force transmitting means but not the transverse second expanse larger than the distance between beams, the force transmitting means centrally between beams.

Alexieff et al. discuss a false ceiling having a curved sheet or panel 6 larger than the grid (col. 2, lines 16-17).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to fabricate the Gulbrandsen et al. sheet larger than the grid, as discussed by Alexieff et al., in order to provide a pleasing appearance (Alexieff et al., col. 1, lines 44-45).

It would have been further obvious to connect the force transmitting means centrally between the beams since structural considerations would have prompted one of ordinary skill to provide as many support points as necessary, i.e., centrally, third points, etc.

Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gulbrandsen et al. in view of Alexieff et al. as applied to claim 11 above, and further in view of Juodvalkis (5128850).

The combination discloses the invention substantially as claimed including through openings 74 in the sheet; central planar area with planar edges with the edges forming an angle relative to the central area; and the edges touching beam abutment areas and the desired curvature imparted to the sheet; and the sheets connected but not integral hooks.

Juodvalkis describe a false ceiling having hooks (col. 3, line 26) to fasten panels 22, 24.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to fasten the Gulbrandsen et al. sheet with hooks, as described by Juodvalkis, since fastening devices are considered functional equivalents.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wendt et al. (6467228) and Cink et al. (20030244323) show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is 571-272-7034. The examiner can normally be reached on T-F, 8-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lanna Mai
Supervisory Patent Examiner
Art Unit 3637



MJS *mjs*
8 June 2007